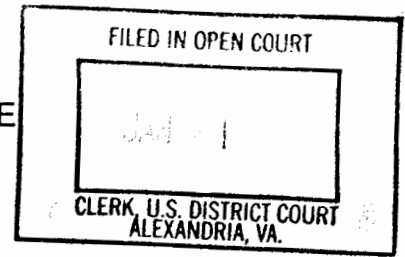


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

RAYMOND STEIGERWALT,

Defendant.

)
)
) CRIMINAL NO. 1:04 CR 485
)
) 1804-207-CR-01 T/F
)
)

STATEMENT OF FACTS

Were the United States to proceed to trial in this case, it would provide testimonial and documentary evidence to prove beyond a reasonable doubt that from in or about October 2002, through on or about March 7, 2003, the defendant conspired with other persons to commit an offense against the United States, to wit: fraud and other related activity in connection with a computer, in violation of Title 18, United States Code, Section 1030(A)(5)(a)(i), all in violation of Title 18, United States Code, Section 371. The United States would also provide testimonial and documentary evidence to prove beyond a reasonable doubt that on or about March 7, 2003, defendant Raymond Steigerwalt (hereinafter "the defendant"), did knowingly possess material containing images of child pornography that had been transported in interstate commerce by any means, in violation of Title 18, United States Code, Section 2252A. Specifically, the testimonial and documentary evidence would establish, at a minimum, the following facts:

1. From October 2002, to March 7, 2003, the defendant was a member of the Internet hacking group known as THR34T KREW ("TK") and used the screen nickname "Xanith" while participating in TK. During this period of time, the defendant and other co-

conspirators agreed to knowingly cause the transmission of information to computers connected to the Internet and intentionally cause damage without authorization to such computers, by impairing the integrity of data or systems.

2. During the time the defendant participated in TK, the conspirators created a "worm" to spread across the Internet by exploiting a vulnerability in the Microsoft Explorer Internet software and infecting a computer with trojan software, i.e. destructive software that masquerades as legitimate software. The trojan software installed by the TK worm on infected computers, allowed TK members to remotely control the infected computers, including being able to delete, copy or transfer files, communicate system information or starting and stopping computer programs.

3. The TK trojan software also caused an infected computer to scan other computers on the Internet in a random fashion, in an attempt to exploit the same vulnerability and install the TK trojan software. This feature of the TK worm allowed it to self-replicate (to multiply without human intervention) and to continue to seek out and infect vulnerable computers on the Internet.

4. Through the self-replicating process of the TK Trojan software, on or about October 31, 2002, the conspirators caused the TK Trojan worm to infect the TK Trojan software on a computer located at and owned by the Defense Information Systems Agency (DISA), Falls Church, Virginia, which is in the Eastern District of Virginia. This computer is a protected computer as it is connected to the Internet and as a result of the infection by the TK worm and TK Trojan software, the integrity of data on the computer was impaired. The cost to respond and to repair the computer was \$9,582.00.

5. Through the self-replicating process of the TK Trojan software, on or about February 5, 2003, the conspirators caused the TK Trojan worm to infect the TK Trojan software on a computer located at and owned by the Defense Logistics Agency (DLA), Fort Belvoir, Virginia, which is in the Eastern District of Virginia. This computer is a protected computer as it is connected to the Internet and as a result of the infection by the TK worm and TK Trojan software, the integrity of data on the computer was impaired. The cost to respond and to repair the computer was \$2,500.00.

6. Between October 2002 and March 7, 2003, the defendant knowingly used computers infected by the TK worm and TK trojan software, to disconnect a number of users connected to the Internet.

7. On March 7, 2003, several of the defendant's computers were seized from his residence at 8748 Woodpointe Circle, Indianapolis, Indiana. A forensic examination of one of the defendant's computer revealed 17 images containing images of child pornography.

8. The images of child pornography recovered from the defendant's computer included pictures of known victims engaging in lewd exhibitions of their genital areas or appearing to be engaged in sexually explicit conduct. The known victims were not photographed in Indianapolis, Indiana, and were not photographed by the defendant. The known victims' photographs had been shipped and transported by computer transmission in interstate and foreign commerce.

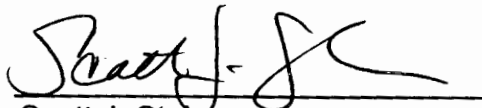
9. In all instances described above, the defendant admits that he knowingly and intentionally and not by accident or mistake, possessed images containing child

pornography, i.e. images containing pictures of known victims engaging in lewd exhibitions of their genital areas or appearing to be engaged in sexually explicit conduct.

10. The defendant admits that he conspired with other persons to commit an offense against the United States, namely the transmission of information that caused, without authorization, damage to protected computers in violation of Title 18, United States Code, Section 1030(A)(5)(a)(i), and that one or more of such persons committed an act to effect the object of the conspiracy.

Respectfully submitted,

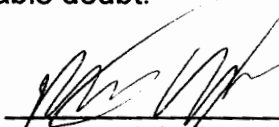
Paul J. McNulty
United States Attorney

By: 
Scott J. Stein
Assistant U.S. Attorney

Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement I entered into this day with the United States, I hereby stipulate that the above statement of facts is true and accurate. I further stipulate that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 1/21/05




Raymond Steigerwalt
Defendant

Defense Counsel's Signature

I am Raymond Steigerwalt's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 1/21/05



Jeremy Kamens
Counsel to the Defendant